

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-4624/1	Introduction Number SB-656
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Description
 Pointing a firearm at or towards a law enforcement officer and providing a penalty

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations			<input type="checkbox"/> Decrease Costs

Local:

<input type="checkbox"/> No Local Government Costs	<input type="checkbox"/> Indeterminate	5. Types of Local Government Units Affected	
1. <input checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input checked="" type="checkbox"/> Counties	<input type="checkbox"/> Others
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		

Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By SPD/ Mike Tobin (608) 266-8259	Authorized Signature Krista Ginger (608) 264-8572	Date 3/10/2006
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Fiscal Estimate Narratives

SPD 3/10/2006

LRB Number	05-4624/1	Introduction Number	SB-656	Estimate Type	Original
Description Pointing a firearm at or towards a law enforcement officer and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) provides legal representation in criminal cases and other specified proceedings in which the loss of personal liberty or parental rights may occur. For adult clients, the SPD must complete a financial eligibility evaluation before appointing an attorney. SPD services are constitutionally required because in the case types handled by SPD, a defendant without the financial means to hire an attorney has the right to have an attorney appointed. Therefore, any bill that would increase the number of cases handled by SPD would increase SPD costs.

Although this bill does not create an entirely new criminal offense for which SPD will be required to appoint attorneys, it does expand the definition of the offense. Thus, SPD is likely to see increased costs from an increased number of cases. There are also likely to be more contested hearings when charges are brought for alleged pointing of an object that may have appeared to be a firearm, but actually was another object. Attorneys are likely to present differing interpretations of how the requirement that the defendant act intentionally interacts with the officer's reasonable belief that the object was a firearm (for example, a defendant is holding an ice scraper, but because of lighting conditions and distance, the officer believes that it is a weapon).

Counties are likely to incur additional costs for appointment of attorneys under State v. Dean for defendants who do not meet SPD's strict financial criteria. Incarceration costs will also increase for defendants held in jail (both pending court hearings and serving sentences).

We are not aware of any existing data to predict the number of new cases or the additional attorney time or other costs resulting from this bill. Since the same statute would encompass cases involving real firearms and weapons involving other items appearing to be firearms, it would be difficult to use computerized data to assess in the future the impact of the bill.

Long-Range Fiscal Implications